

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BANK OF NEW YORK MELLON, *f/k/a*
Bank of New York as Trustee for Registere,

Plaintiff,

v.

LUCILLE WILLS,

Defendant.

No. 3:19-cv-01650-YY

OPINION AND ORDER

MOSMAN, J.,

On December 16, 2019, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [ECF 7], recommending that I dismiss this case without prejudice because Plaintiff failed to respond to the courts’ Order to Show Cause [ECF 6]. No objections were filed.

LEGAL STANDARD

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R

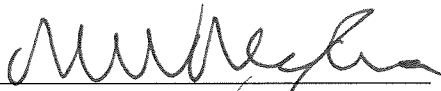
depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review of the F&R, I agree with Judge You's reasoning and conclusions. Therefore, I ADOPT the F&R [7] as my own opinion. This case is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 24 day of January, 2020.


MICHAEL W. MOSMAN
United States District Judge